THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26941 of 2006

18.1.2007

Between:

Tumu Venkatanarayana, S/o.Ramesh Chandra Chowdari

… Petitioner

AND

The District Collector (P.R.Wing), Khammam
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The petitioner is Sarpanch of Gollagudem Gram Panchayat of Thallada Mandal in Khammam District. He filed the present writ petition seeking a writ of Mandamus declaring the action of respondents 1 and 3 in not considering the representation of the petitioner dated 13.12.2006 for release of balance rice under Food For Work (FFW) on the basis of original sanction order as illegal and arbitrary. A consequential direction is sought to the respondents 1 and 3 to consider the representation and release the balance rice at Rs.5.65ps. per KG instead of Rs.8.00 per KG.

Pursuant to the scheme of FFW programme, the first respondent sanctioned twelve (12) works i.e., laying pacca roads, erection of canals etc., and accorded administrative sanction estimating the cost of the works at Rs.20.00 lakhs. Under the sanction order, the authorities have to supply 353.983 Metric tons of rice at Rs.5.65 per KG. The Gram Panchayat executed the works. As the total sanctioned rice was not released, the petitioner herein filed a writ petition being W.P.No.16873 of 2005. This Court disposed of the said writ petition directing the first respondent to consider the matter. Thereafter, the first respondent issued administrative sanction on 09.6.2006 releasing 58.50 Metric Tons. Now the grievance of the petitioner is that the authorities calculated the cost of rice at Rs.8.00 per KG and also denying total quantity allocated to the Gram Panchayat under the FFS Scheme. Therefore, the present writ petition is filed.

The question raised herein is squarely covered by the earlier judgment of this Court in W.P.No.23196 of 2002 as well as the judgment of the Division Bench of this Court in W.P.No.22922 of 2002

dated 17.3.2003. The Division Bench in W.P.No.22922 of 2002 held that when the rice has been distributed on the basis of muster roll at the rate of 10 Kg per man day per labour, the petitioner has no enforceable right. Be it noted, the said writ petition was filed by the petitioner in relation to the work 'formation of road from Galipalem to Harizanawada at N.V.Kandriga village'. The observations made by the Division Bench are as under.

> The very fact that for doing the work, rice has been distributed to the labourers on muster role basis at the rate of 10 Kgs per labour under the third option as per the guidelines issued by the government, we are of the view that such like writ petitions in which the petitioner has no enforceable right. We are not inclined to entertain the writ petition under Article 226 of the Constitution of India.

Following the above judgment, it must be held that the petitioner has no right, which can be enforced under Article 226 of the Constitution of India. Therefore, this writ petition is devoid of merit and is accordingly dismissed. No costs.

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(**V.V.S.RAO,J**)

January 18, 2007.
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